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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

0735.3 (63967.US)

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on _____

Signature _____

Typed or printed name _____

Application Number

10/824,291

Filed

04/14/2004

First Named Inventor

MUHS, Jeffrey D.

Art Unit

1795

Examiner

HALL, Asha J.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

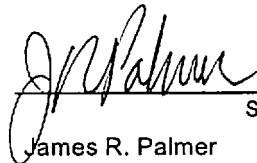
I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 48633

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



Signature

James R. Palmer

Typed or printed name

865-546-4305

Telephone number

13 August 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/824,291
Applicants: MUHS, Jeffrey D. et al.
Filing Date: 04/14/2004
Confirmation No.: 6054
Title: Hybrid Solar Lighting Distribution Systems and Components
Examiner: HALL, Asha J.
Group Art Unit: 1795

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated 05/28/2008, Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated in the following brief.

Remarks

The Office Action dated 05/28/2008 recorded the following status of claims in this application. Claims 1, 3-6, and 8-12 were pending in the application. Claims 1 and 3 - 12 were listed as rejected. The Applicants note that Claim 7 was canceled and not rejected.

Claim Rejections – 35 U.S.C. §103(a) – [J.D. Muhs, “Design and Analysis of Hybrid Solar Lighting and Full-Spectrum Solar Energy Systems,” Solar 2000, July 16-21, American Solar Energy Society” in view of U.S. Patent 5,271,079 to Levinson]

Claims 1, 3, 5, 6, 9, and 11 were rejected under 35 U.S.C. §103(a) as being rendered obvious by J.D. Muhs, “Design and Analysis of Hybrid Solar Lighting and Full-Spectrum Solar Energy Systems,” Solar 2000, July 16-21, American Solar Energy Society” (hereinafter “Muhs Reference”) in view of U.S. Patent 5,271,079 to Levinson (hereinafter “Levinson”)

Independent Claims 1 and 5 are directed toward a hybrid solar energy distribution system and a hybrid collector system, respectively. Each of these independent claims include “at least one fiber distribution panel.” Figure 8 depicts a fiber distribution panel 124 and Paragraph [0026] describes a fiber distribution panel as follows: “[a] centrally located fiber distribution panel can serve as a “plug and play” source to feed multiple fixtures with sunlight.” The Office Action points to Figure 6b in the Muhs Reference as disclosing a fiber distribution panel. The Applicants concurrently submit a declaration from J. D. Muhs declaring the substance of Figure 6b in the Muhs Reference and attesting to the fact that a fiber distribution panel is not depicted in Figure 6b or elsewhere in the Reference. The Office Action does not assert that Levinson fills that shortcoming in Muhs, so consequently all of the limitations of Claims 1 and 5 are not taught or disclosed in the combined references. Since the combined references do not teach or disclose all of the elements of the claimed invention, the Applicants respectfully assert that Claims 1 and 5 are not rendered obvious by Muhs in view of Levinson, and the Applicants request that the rejection of Claims 1 and 5 as being obvious from Muhs in view of Levinson be withdrawn, and that Claims 1 and 5 be allowed.

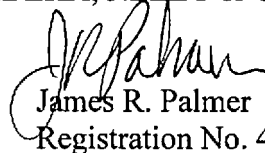
In the event this response is not timely filed, Applicant(s) hereby petition for the appropriate extension of time and request that the fee for the extension along with any other fees which may be due with respect to this paper be charged to our Deposit Account No. 12-2355.

The undersigned is the agent of record and is the Applicants' representative.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By:



James R. Palmer

Registration No. 48,633

Date: 12 August 2008
P.O. Box 1871
Knoxville, Tennessee 37901
(865) 546-4305

Attachment: Declaration of Jeffrey D. Muhs